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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Regional seminars of the Special Committee

Report of the Special Committee

1. At its forty-sixth session, the General Assembly adopted resolution 46/181 of 19 December 1991, entitled "International Decade for the Eradication of Colonialism", and a plan of action aimed at ushering in, in the twenty-first century, a world free from colonialism, in which, *inter alia,* the Special Committee was requested to organize during the Decade seminars in the Caribbean and Pacific regions alternately, as well as at United Nations Headquarters, to review the progress achieved in the implementation of the plan of action, with the participation of the peoples of the Non-Self-Governing Territories, their elected representatives, the administering Powers, Member States, regional organizations, specialized agencies, non-governmental organizations and experts. In its resolution 51/146 of 13 December 1996, the General Assembly approved the programme of work of the Special Committee envisaged for 1997, including, *inter alia,* the holding of a seminar in the Caribbean region to be organized by the Special Committee, and to be attended by the representatives of all the Non-Self-Governing Territories.

2. These seminars became an important instrument for the effective discharge of the mandate of the Special Committee, particularly in the absence of formal cooperation by three administering Powers (France, the United Kingdom of Great Britain and Northern Ireland and the United States of America) and the consequent lack of access by the Special Committee to the Non-Self-Governing Territories. Under such circumstances, the seminars have become the only available means to ascertain the views and wishes of the peoples of the Territories.

3. In its consultations in 1996 and 1997 with the United Kingdom and the United States, the Special Committee reaffirmed the position referred to in paragraph 2 above. Those consultations resulted in the adoption by the General Assembly on 27 March 1997 without a vote of resolution of 51/224. The relevant paragraphs of the resolution (section A thereof) read as follows:

> "*Mindful* that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, and considering that the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers should be kept under review,
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> "*Taking note* of the fact that the Special Committee held at Port Moresby, from 12 to 14 June 1996, a Pacific regional seminar to review the situation in the Non-Self-Governing Territories, particularly their political evolution towards self-determination by the year 2000,

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"*Mindful* that in order for the Special Committee to enhance its understanding of the political status of the peoples of the Territories, and to fulfil its mandate effectively, it is important for the Committee to be apprised by the administering Powers, and to receive information from other appropriate sources, concerning the wishes and aspirations of the peoples of the Territories,

"*Mindful also* that in this connection the Special Committee regards the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active participation of representatives of the Non-Self-Governing Territories, as a helpful means to fulfil its mandate, while recognizing the need for reviewing the role of these seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

"*Mindful further* that some Territories have not had any United Nations visiting mission for a long period of time,

"...

"*Stresses* the importance for the Special Committee to be apprised of the views and wishes of the peoples of the Territories and to enhance its understanding of their conditions, (para. 5)

"*Reaffirms* that United Nations visiting missions to the Territories at an appropriate time and in consultation with the administering Power are an effective means of ascertaining the situation in the Territories, and requests the administering Powers and the elected representatives of the peoples of the Territories to assist the Special Committee in this regard." (para. 6)

4. The Office of Internal Oversight Services submitted a report to the General Assembly (A/51/486) on the seminars of the Special Committee. The report was considered at the 1467th meeting of the Special Committee, held on 24 February 1997. The Under-Secretary-General for Internal Oversight Services participated in the meeting at the invitation of the Special Committee.

5. The views expressed by the members of the Special Committee are summarized below:

(a) By its report (A/51/486) the Office of Internal Oversight Services exceeded its mandate, which was set by the General Assembly in its resolution 48/218 B of 29 July 1994, by pronouncing itself on political issues which are the prerogative of Member States;

(b) The report represents an inappropriate political judgement on the part of the Office, particularly since it questions the decolonization mandate of the Special Committee as approved by the General Assembly;

(c) At the political level, the Office is not competent to pass judgements on or to determine the usefulness of conclusions and recommendations contained in a document of an intergovernmental body;

(d) By concluding that there was an inadequate attendance of the seminar by representatives from Non-Self-Governing Territories, the report demonstrated that the Office erred in its judgement and showed a lack of depth in analysis. As was well known to all concerned, the seminars were held because the administering Powers refused to cooperate with the Special Committee and discouraged the participation of the representatives of the Non-Self-Governing Territories under their respective administration. The seminars, in the view of the Special Committee, remain the only alternative solution for the effective and efficient discharge of the decolonization mandate;

(e) It was essential for the Office to adhere strictly to its mandate, to consult the Special Committee during the investigating process and to present a balanced report to ensure that such an instrument would not be used to tarnish the image of the United Nations and its noble and universally recognized achievement in the field of decolonization.

6. The Under-Secretary-General for Internal Oversight Services made a statement at the meeting. He also sent a letter dated 14 March 1997 (see annex) addressed to the Chairman of the Special Committee which reflects the views expressed in his statement.

Concluding remarks

7. The seminars continue to be an important and effective instrument for the discharge of the mandate of the Special Committee.

8. The Special Committee believes that the investigation and the report of the Office of Internal Oversight Services exceeded the mandate of the Office and that the conclusions in the report are unbalanced and unjustified. Since there was no misuse or mismanagement of funds, the Office should have limited itself to that aspect.

9. The Special Committee will continue its dialogue with the administering Powers aiming at ensuring their full cooperation, particularly by facilitating United Nations visiting missions to Non-Self-Governing Territories, and

therefore would be ready to review the role of the regional seminars.

10. In view of the persistent endeavours of the Special Committee, particularly its efforts to convey its message to the peoples and the Governments of the Non-Self-Governing Territories, this year the Caribbean Regional Seminar was attended, *inter alia,* by participants from eight Non-Self-Governing Territories, including elected representatives.

11. The Special Committee is gratified that its work was endorsed and supported by the Movement of Non-Aligned Countries. This support was reaffirmed by the Ministerial Conference of the Movement of Non-Aligned Countries held at New Delhi in April 1997, and by the decision of the Chairman of the Movement to send a representative to participate in the Caribbean Regional Seminar held at St. John's, Antigua and Barbuda, from 21 to 23 May 1997 (see A/AC.109/2089).

Annex

Letter dated 14 March 1997 from the Under-Secretary-General for Internal Oversight Services addressed to the Chairman of the Special Committee

At the meeting of the Special Committee on 24 February, at which the Committee discussed the report of the Office of Internal Oversight Services (A/51/486) on the seminars conducted on the topic of the Non-Self-Governing Territories, a number of delegations expressed grave concern about the report. I have concluded from this discussion that perhaps the Office of Internal Oversight Services, as a servicing office, had not done a good job of explaining our intentions, reasons and goals in agreeing to undertake this inquiry at the request of the Under-Secretary-General for Political Affairs.

In the meantime, I have studied thoroughly the interventions made by delegations at the 24 February meeting and would like to add a few thoughts and comments to the preliminary reaction which I submitted directly and orally.

The rationale for the creation of the Office of Internal Oversight Services was, *inter alia,* to demonstrate to world public opinion that the United Nations is serious about the efficient and effective utilization of limited resources. To that end, the General Assembly adopted resolution 48/218 B of 29 July 1984 which provides the Office with a mandate extending to the resources and staff of the Organization. In furtherance of that decision, the Secretary-General, in establishing the Office, entrusted it with the authority to inquire into the operations of the Organization as they affect the staffing, funding and other resources of the United Nations, as well as reported violations of rules, regulations and administrative issuances. Indeed, in our informal session, one delegation asked why the review in question had been done as part of an investigation rather than in another form. Resolution 48/218 B provides the answer: the Office of Internal Oversight Services is authorized to "carry out and report on any action which it considers necessary to fulfil its responsibilities".

Therefore, I would have to take issue with the observation of some delegations that this investigation by the Office seriously violated the bounds or overstepped the limits of resolution 48/218 B. This was certainly not the intention of the Office. Our awareness of the sensitivity of the matter at hand is reflected in the cautious and deliberate wording of the recommendation we made, advising the Committee explain to the public the *raison d'être* and the continued usefulness of the seminars.

I also wish to go on record underlining that nowhere in the report does the Office question the mandate of Member States or pass judgement on the underlying political issue, which is indeed entirely within the authority of the legislative bodies.

The sole and very specific issue on which the Office meant to give advice was the value-for-money aspect in the context of the seminars. In so doing, we did not suggest, as some delegations seemed to imply, that the most serious issue of decolonization should be ignored in the future.

In short, while I believe that the resolution, as well as the Secretary-General's bulletin which followed (ST/SGB/273 of 7 September 1994), do support our authorization to conduct the review of the seminars, I also have taken into account the very strong reservations expressed so eloquently at the meeting. As such, the concerns of the distinguished Committee members were noted by the Office. I wish to assure you and, through you, the Committee that the Office of Internal Oversight Services appreciates the time and thought given to this matter by the distinguished representatives and that it will be cognizant of these concerns in its future undertakings. There are many topics and reports that the Office has been asked to examine on behalf of its clients which I believe raise issues of importance to the United Nations and which do not raise the issues of concern which the distinguished representatives have noted for us. I believe strongly in the obligations and responsibilities of the Office of Internal Oversight Services to perform its internal oversight role in a judicious, transparent and responsible manner.

In view of our mutual commitment to the Organizations's best interests I am at your disposal, should the Committee decided to pursue the discussion of the report or related issues.

(Signed) Karl Th. **Paschke**